

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DASHAUN WRIGHT,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

3:16-cv-00755-RCJ-WGC

ORDER

I. DISCUSSION

On December 27, 2016, Plaintiff, a *pro se* prisoner, initiated this case by filing an application to proceed *in forma pauperis* and a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1). On January 3, 2017, the Court denied the application to proceed *in forma pauperis*, without prejudice, as incomplete. (ECF No. 4). In that order, the Court noted that Plaintiff may have filed the case in this Court in error. (*Id.* at 2). The Court noted that Plaintiff's documents all contained the caption "In the 7th Judicial District Court of the State of Nevada in and for the County of White Pine." (*Id.*) The Court directed Plaintiff, within thirty days, to file a fully complete application to proceed *in forma pauperis*, pay the full \$400 filing fee, or file a motion to voluntarily dismiss the case if filed in error. (*Id.*)

On January 5, 2017, Plaintiff filed a motion to have his complaint struck from the record (ECF No. 5). The Court interprets this motion as a motion to voluntarily dismiss his case. Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the Court interprets Plaintiff's motion
3 to have his complaint struck from the record (ECF No. 5) as a motion for voluntary dismissal.

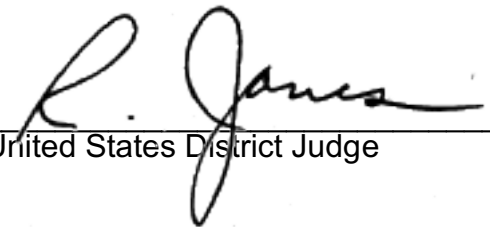
4 IT IS FURTHER ORDERED that the motion for voluntary dismissal (ECF No. 5) is
5 granted.

6 IT IS FURTHER ORDERED that this case is dismissed in its entirety without prejudice.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff a copy of his
8 complaint (ECF No. 1-1).

9 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
10 accordingly.

11 Dated: This 16th day of February, 2017.

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15 United States District Judge
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